



CANNON BUILDING
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STATE OF DELAWARE
BOARD OF MASSAGE AND BODYWORK

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PUBLIC MEETING MINUTES:	Board of Massage and Bodywork
MEETING DATE AND TIME:	Thursday, April 20, 2017 at 1:30 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor Cannon Building
MINUTES APPROVED:	APPROVED May 18, 2017

MEMBERS PRESENT

Jermaine Cannon, Professional Member, President
Danielle DiFonzo, Professional Member, Vice President
Sandra Jachimowski, Professional Member
Frank Beebe, Public Member
Rachel Dunning, Public Member
Holly Overmyer, Professional Member

MEMBERS ABSENT

Kathy Sherwin, Public Member, Secretary

DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER

Eileen Kelly, Deputy Attorney General
Melanie Alexander, Administrative Specialist II
Jeff Ford, Investigative Supervisor

OTHERS PRESENT

Sharon Gamble, LMT
Paula Casey, LMT
Judith Isabella, LMT
Joan Gennarini, LMT

CALL TO ORDER

Mr. Cannon called the meeting to order at 1:33 pm.

REVIEW OF MINUTES

The Board reviewed the minutes from the March 16, 2017 meeting. A motion was made by Mr. Beebe, seconded by Ms. Dunning, to approve the minutes as presented. The motion carried unanimously.

UNFINISHED BUSINESS

Regulation Updates for House Bill 35

Ms. Kelly advised the Board of the new amendments to House Bill 35. One of which states that Public Health will be responsible for drafting the sanitation regulations for House Bill 35, if it is passed.

As such, Ms. Kelly stated she would need to collaborate with the person that will be drafting the sanitation regulations. Since she is not sure whom she will be working with, or when they may begin, she believes its best that the Board revisits discussing the regulations in regards to House Bill 35, until she is able to provide an update.

NEW BUSINESS

Ratification of Massage Technician Certifications

A motion was made by Ms. Dunning, seconded by Ms. Jachimowski, to approve the ratification of the Massage Technician applications listed below. The motion carried unanimously.

LICENSE #	LICENSEE NAME
MC-0004525	Loveless, Alexis Justine
MC-0004526	Daring, Meghan R.
MC-0004527	Banks, Ultare D.
MC-0004528	Jin, Lian Y
MC-0004529	Robinson, Jacob
MC-0004530	Ramil, Sonya Renee
MC-0004531	Kerrick, Elizabeth Anne
MC-0004538	Fields, RoxAnne B.
MC-0004539	Manko, James E.
MC-0004540	Phillippi, Heather Nichole

Ratification of License Massage Therapists

A motion was made by Ms. Dunning, seconded by Mr. Overmyer, to approve the ratification of the Massage Therapist application listed below. The motion carried unanimously.

LICENSE #	LICENSEE NAME
MT-0004524	Davis, Yvonne J.
MT-0004532	Tian, Manyu
MT-0004533	Petrosky, Shichao
MT-0004534	Magaw, Kelly K.
MT-0004535	Ross, Christina L.
MT-0004536	Tillinghast, Michael P.
MT-0004537	Washington, Solymar
MT-0004543	Schoolfield, Deonta M.
MT-0004544	Stewart, Carolyn
MT-0004545	Powell, Elissa W.

Continuing Education

A motion was made by Ms. Dunning, seconded by Mr. Beebe, to approve the continuing education as stated below. The motion carried unanimously

C. Continuing Education

1. Tranquil Spirit, Katherine Schaubert

<u>a. Reflexology Workshop - 13hours Core –</u>	<u>Approved</u>
<u>b. Reiki Level 1- 13 hours Elective–</u>	<u>Approved</u>
<u>c. Reiki Level 2- 13 hours Elective–</u>	<u>Approved</u>
<u>d. Reiki Karuna Master Level I- 13 hours Elective–</u>	<u>Approved</u>
<u>e. Reiki ART/Master Level- 13 hours Elective–</u>	<u>Approved</u>

Application(s) for DAG Review

A motion was made by Ms. Dunning, seconded by Ms. DiFonzo, to table the application of Justine Bohlman. The motion carried unanimously.

A motion was made by Ms. Dunning, seconded by Mr. Beebe, to propose to deny the application of Lili Li. The motion carried unanimously

Review & Consideration of Hearing Officer Recommendations

There were no recommendations to review.

Review & Discussion of Consent Agreements

There were no consent agreements to review.

Review & Signing of Final Orders

There were no orders to sign.

Miscellaneous Review & Discussion

The Investigative Supervisor addressed the Board about the concerns that were brought to his attention by licensees, and their specific situations, and on behalf of their client's privacy.

Mr. Ford introduced himself to the Board and thanked them for the opportunity to discuss the possible implications of pending HB 35, specifically addressing the Division's plans for an inspection process.

- The current legislation will provide authority for the Division to conduct unannounced inspections of massage facilities. The sponsor of the bill, collaborating with colleagues, has introduced the bill in an attempt to address human trafficking issues. The Division will obviously consult with law enforcement if suspected prostitution can be identified.
- Concern had been expressed regarding how inspections will be conducted. Initially the inspections will personally be conducted by Mr. Ford. Business attire will be the standard dress (suit and tie / no covert attire). Ultimately we anticipate inspections to be conducted by investigative staff members &/or a Division "Inspector".

- Mr. Ford discussed recent investigations and “lessons learned” that will be applied to this new inspection process.
 - Recent investigations have substantiated the need for a “Translation & Linguistic” service. Investigators routinely encounter non-English speaking persons providing the suspect massage services. With a reminder that many of these women are truly victims themselves, it is paramount that we be able to communicate our jurisdiction and intentions when we enter the shop. The Division has initiated discussion with a company currently providing translation services as a state contractor.
 - The Division currently holds “citation” authority, which may be applied to massage inspections. The Division is actively coordinating efforts with the Attorney General’s office to establish policy and protocol for the issuance of citations for witnessed violations.
 - It was articulated that the Division plays a singular part in the human trafficking problem. We coordinate and consult with multiple agencies including law enforcement, the Attorney General’s office, the Department of Labor and the Office of Workman’s Compensation.
- Mr. Ford acknowledged concerns related to inspections of shops and the “closed locked door” prohibition purportedly cited in the proposed legislation. Mr. Ford stated that the Division will not forcibly enter a shop or a massage “room” to conduct an inspection. Mr. Ford maintained that if he, or his staff, presents to conduct an inspection – it will be completely acceptable to find the primary entrance door to the business to be secured if a single proprietor is actively providing client services. He would anticipate a system in which the proprietor (licensee) can communicate their office status (unavailable, please contact the office or available at an identified time). The inspector will leave a notification that they had presented and will reschedule the inspection.
- Mr. Ford readily acknowledged his staff does not include a licensed massage provider and that he and the Division are actively consulting with practicing professionals to determine what an inspection “checklist” should include. There are several Board members actively providing suggestions which includes:
 - An inspection of general office sanitary conditions (it was noted that the Department of Health is assisting is providing a “standard” for cleanliness).
 - Presence of active professional, shop and business license
 - Presence and security of client records. There was discussion regarding licensees that provide services at multiple sites who maintain records in a centralized location for security purposes. Mr. Ford maintains that if a licensee can reasonably articulate where their records are maintained and is capable of substantiating the records security will not face prosecution.
 - Inspectors will determine if appropriate massage equipment is present (appropriate table, cleaning supplies etc.)
 - It is appropriate to determine if a scheduling device is present. Mr. Ford did agree with an audience member that a walk-in client, without a previously scheduled appointment, does not automatically substantiate a violation. A legitimate massage business would be expected to maintain client records to include scheduling records.

- Mr. Ford clearly stated that his staff has absolutely no intention, nor does the proposed legislation provide authority, to enter into a massage “room” to witness or interrupt and active massage --- this simply will not happen.
- Mr. Ford, upon questioning by an audience member, acknowledged that the Division (Board) will need to establish rules and regulations to address specific issues and concerns. This legislation was not submitted by the Division and we are responding to same with due diligence. One specific concern expressed by an audience member was how inspections may occur in transient locations. (Example, if a massage provider uses multiple sites and travels to provide services). The current bill does not provide authority to inspect individual client homes. Mr. Ford acknowledged that the process is a work in progress, and was unable to provide a definitive response on multiple sites.
- There was discussion regarding a licensee’s obligation, under HIPAA, to maintain a client’s confidentiality. Mr. Ford explained that, as a recognized governmental investigative agency, the Division is not prohibited from examining client/patient records and that a licensee would not be in peril of prosecution for availing these records for an official inspection or investigation.
- This was discussion regarding timeliness in a licensee completing client documentation. Mr. Ford again stated that there was no expectation that client records be completed immediately after a service was provided. Physicians are expected to maintain patient records in a timely manner --- there would be no violation for a massage provider that completed records within a few days.

Board members acknowledged that they have work to do to identify and establish the rules and regulations to provide structure for the inspection process. Mr. Ford commented that it was his understanding that the Secretary (Bullock) was committed to providing support (staffing and financial) to insure the Division was prepared to comply with the bill’s direction. It is also anticipated that the Division will communicate the inspection process, to include those items to be inspected, to licensees in advance of any actual site inspection. Mr. Ford concluded by stating he expected the inspection of a legitimate massage business to be a very short, non-interruptive process.

CORRESPONDENCE

Joan Gennarini

Joan Gennarini wrote a letter to the Board regarding House Bill 35, she also read the letter to them allowed. Once completed she thanked the Board for their time, and also asked if she was taking the correct steps that she needed to, in order to put a stop to House Bill 35.

Sarah Day

Sarah Day submitted a request to activate her license with all supporting documents.

A motion was made by Ms. Dunning, seconded by Mr. Beebe, to approve Ms. Day’s request to go active. The motion carried unanimously.

Judy Jones

Judy Jones submitted a request to place her license in an inactive status.

After advisement from Ms. Kelly, a motion was made by Ms. Dunning, seconded by, Mr. Beebe, to deny her inactive request, until her 2016 audit has been resolved. The motion carried unanimously.

Alejandro Valencia

Alejandro Valencia sent a scope of practice question to the Board, asking if certified massage technicians are allowed to do Cupping techniques on clients.

After reviewing of the regulations, and discussion between the Board and Ms. Kelly, it was decided to notify Mr. Valencia that they would like more information, so they can understand what sort of cupping techniques he is referring to, and to notify him of regulations 1.0 and 11.0.

OTHER BUSINESS (for discussion only)

There was no other business to discuss.

PUBLIC COMMENT

There was no public comment, except during Jeff Ford's presentation, when he asked for any questions or concerns, which are noted above.

NEXT SCHEDULED MEETING

The next meeting is scheduled for June 15, 2017 at 1:30 p.m.

ADJOURNMENT

There being no further business before the Board, a motion was made by Mr. Beebe, seconded by Ms. Overmyer to adjourn the meeting. The motion carried unanimously. The meeting went off record and adjourned at 3:26 p.m.

Respectfully submitted,



Melanie Alexander
Administrative Specialist II